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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,089	03/06/2000	James Hanmer	540-190	8010

7590

07/08/2003

Nixon & Vanderhye PC
8th Floor
1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,089

Applicant(s)

HANMER, JAMES

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003 and 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6. 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group III (claims 6-18) in Paper No. 12 is acknowledged. The traversal is on the ground(s) that independent claim 1 was duplicated in its entirety in newly written claim 6, but with an added limitation. This is not found persuasive because of the same reasons as provided in the restriction (paper# 9) and further in the interview summary (paper# 10).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6-18, the phrase "or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodman (3,380,583).

Goodman discloses a method for the vacuum packaging of articles including at least the steps of creating a plurality of recesses (18) in a backing board (12); positioning at a least one article (10) on the backing board; placing a film (20) substantially over the at least one article; and using a vacuum packaging machine (column 4, lines 27-32) to substantially package the at least one article, the at least one article being situated between the backing board and the film, wherein the thickness of the backing board is at least 2mm (Figs. 1-3); the method being characterized by applying a bonding agent adapted to cause the film to bond with the backing board to the backing board and by preventing the film from bonding with the backing board in a region adjacent to and extending around the "or" each article (Figs. 1-7).

Regarding claim 7: the bonding agent is air dried before the film is bonded to the backing board (column 4, lines 27-32).

Regarding claim 8: heating the film to cause the film to bond with the backing board (via open oven 30).

Regarding claim 9: heating the film and applying suction (Fig. 3; column 1, lines 57-62) to a face of the backing board opposite the article, substantially simultaneously so that the bonding agent causes the film to bond with the backing board around the ~~"or"~~ each article to substantially seal in the "or" each article (Figs. 5-7).

Regarding claim 10: the step of preventing the film from bonding with the backing board is achieved by applying the bonding agent to only part of the surface of the backing board (Figs. 2 and 3; via holes 18 which is part of the board).

Regarding claim 11: the bonding agent is not applied to a region where an article is to be positioned, the region being greater than a corresponding cross section of the article (Fig. 2).

Regarding claim 12: preventing the film from bonding with the backing board is achieved by masking the bonding agent in those regions where the film is not to bond with the backing board (Fig. 2).

Regarding claim 13: applying an ink to the backing board (via 16; column 3, lines 72 and 73).

Regarding claim 14: ink is applied to the surface of the backing board to which bonding agent has been applied, the bonding agent having been allowed to dry before the ink is applied, the ink being applied to the areas of the backing board on which the "or" each article is intended to be placed (Fig. 2).

Regarding claim 18: the recesses are created before the application of the bonding agent (Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (3,380,583).

Goodman does not disclose that the ink is applied to the backing board by printing means, digital photography is used in the printing, nor the recesses are created on the backing

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board by punching holes. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Goodman's method by having the steps of applying ink to the backing board by printing means, digital photography is used in the printing, and the recesses are created on the backing board by punching holes, as a matter of engineering design choice, since the examiner takes an official notice that the mentioned applying ink to the backing board by printing means, digital photography is used in the printing, and the recesses are created on the backing board by punching holes are old, well known, and available in the art.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilson 4133163, Popkes 4062449, Coleman 3861529, Monaghan 3848393, Merritt 3828520, Colburn 3648428, and Harrison 2828799 disclose different method for vacuum packaging of articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.
July 2, 2003


EUGENE KIM
PRIMARY EXAMINER